

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

Case No. 18-cr-20588

Honorable Terrence G. Berg

vs.

D-1 Emmette Deon Gilkie,

Defendant.

**Second Amended Preliminary Order of Forfeiture
and Final Order of Forfeiture**

On April 30, 2020, the Court entered a Stipulated Preliminary Order of Forfeiture for the following forfeited property, among other firearms and ammunition. (ECF No. 31):

- a. One (1) Derringer Handgun, .38 caliber,
Serial No. 21954

(Hereinafter, the “Subject Property”).

In the Preliminary Order of Forfeiture, Plaintiff committed a clerical error by incorrectly describing the forfeited property as: One Derringer Handgun, .38 caliber, Serial No. 21954. The correct description of the forfeited property has a partially illegible serial number. The correct description, therefore, is: One Derringer Handgun, .38 caliber, Serial No. partially illegible serial number ending

in 21954.

Plaintiff has since learned of this error, and is now seeking a second amendment to the Preliminary Order of Forfeiture to correct the description. Specifically, Plaintiff moves to amend the list of Subject Property to be forfeited to include the following:

- a. One (1) Derringer Handgun, .38 caliber,
Serial No. partially illegible serial number ending in 21954.

Pursuant to Rule 36 of the Federal Rules of Criminal Procedure, “the court may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission.”

Pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure, the court also retains jurisdiction to amend the existing order of forfeiture to add or further identify property to be forfeited.

The Preliminary Order of Forfeiture, ECF No. 31, is incorporated herein by this reference, and pursuant to Federal Rules of Criminal Procedure 32.2(e) and 36, is hereby amended to correct the description of the forfeited property as being, identified as follows: One Derringer Handgun, .38 caliber, Serial No. partially illegible serial number ending in 21954.

The Court shall retain jurisdiction to enforce the Preliminary Order of Forfeiture, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

Pursuant to information already on the record, and Federal Rules of Criminal Procedure 32.2(e) and 36, the United States respectfully requests that the Court enter this Second Amended Preliminary Order of Forfeiture and Final Order of Forfeiture.

IT IS SO ORDERED.

Date: March 1, 2023

/s/Terrence G. Berg
Honorable Terrence G. Berg
United States District Judge